

Message Text

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PAGE 01 VIENNA 03357 271418Z
ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-04
H-02 INR-07 NSAE-00 NSC-05 PA-02 PRS-01 SP-02
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FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 1542
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SUBJECT: US CONFERENCE ON SUCCESSION OF STATES

BEGIN SUMMARY: COMMITTEE OF WHOLE PICKED UP MOMENTUM APRIL 26
AND ADOPTED SIX ARTICLES (19 TO 24 INCLUSIVE) WHICH IT
REFERRED TO DRAFTING COMMITTEE. PROPOSED ART. 22 BIS
(SEE VIENNA 3269) BROUGHT DEBATE LASTING MOST OF A FIVE-
HOUR SESSION ON ADVANTAGES OF PROPOSAL FOR NEWLY INDEPENDENT
STATES VERSUS POSSIBLE SERIOUS DIFFICULTIES FOR DEPOSITARIES.
END SUMMARY

1. ART. 19 (RESERVATIONS) SURVIVED AN AUSTRIAN AMENDMENT
TO DELETE PARAS 2 AND 3 WHICH WOULD HAVE DEPRIVED NEWLY
INDEPENDENT STATE OF RIGHT TO FORMULATE A NEW RESERVATION
WHEN GIVING A NOTICE OF SUCCESSION TO A TREATY. ALSO
DEFEATED WAS A TANZANIAN ORAL AMENDMENT TO REVERSE THE
PRESUMPTION IN PARA 1 THAT WOULD HAVE RESULTED IN NEWLY
INDEPENDENT STATE BEING CONSIDERED AS DISCONTINUING RATHER
THAN MAINTAINING PRIOR RESERVATION IN ABSENCE OF
CONTRARY INDICATION. ILC TEXT WAS THEREAFTER ADOPTED
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76 (US) -0-6.

2. ARTS. 20, 21, AND 22 ELICITED NO MORE THAN DRAFTING
SUGGESTIONS.

3. INTENTION OF ART. 22 BIS PROPOSAL IS TO REQUIRE
DEPOSITARY GOVERNMENTS OF EXISTING AND FUTURE TREATIES

TO INFORM NEWLY INDEPENDENT STATES, AS SOON AS POSSIBLE
AFTER DATE OF INDEPENDENCE, OF MULTILATERAL TREATIES
WHICH HAVE BEEN APPLIED TO THEM BY PREDECESSOR STATE
AND THUS ASSIST NEWLY INDEPENDENT STATES TO KNOW WHAT
TREATIES THEY ARE ELIGIBLE TO SUCCEED TO. PROPOSED
ARTICLE WAS WIDELY SUPPORTED BY NEW STATES WHICH CONSIDERED
IT AS FACILITATING THEIR TASK OF DETERMINING WHAT TREATIES
HAD BEEN APPLIED TO THEIR TERRITORY. A FEW STATES
SUGGESTED ARTICLE BE RETAINED IN LESS MANDATORY FORM OR
RELEGATED TO A BEST-ENDEAVORS TYPE RESOLUTION. UK,
FRANCE, AND NETHERLANDS WERE AMONG THOSE NOTING DIFFICULTIES
FOR DEPOSITARY IN KNOWING FOR CERTAIN WHETHER TREATIES
HAD BEEN APPLIED TO TERRITORY IN QUESTION. THERE WAS
ALSO OBJECTION TO IMPOSING BURDEN ON DEPOSITARY IN
SUCH PRECISE AND ONEROUS TERMS AS TO BE IMPOSSIBLE TO
CARRY OUT. THE EXPERT CONSULTANT AND THE UK QUESTIONED
THE PROPRIETY OF IMPOSING BURDENS ON DEPOSITARY NOT
SPELLED OUT IN TREATY OF WHICH IT IS DEPOSITARY. US
MOVED TO CLOSE DEBATE AND REFER ENTIRE MATTER OF
WORDING PLUS PLACEMENT (I.E., ARTICLE OR RESOLUTION)
TO DRAFTING COMMITTEE. HOWEVER, FRANCE CONSIDERED
CERTAIN PROPOSALS SUBSTANTIVE IN NATURE, AND THE MATTER
WAS REFERRED TO AN INFORMAL WORKING GROUP COMPOSED OF
CO-AUTHORS AND OTHER INTERESTED PARTIES.

4. AFTER DEFEAT OF A PROPOSAL TO DELETE PARA 1 (B)
OF ART. 23 (WHICH PROVIDES FOR CONTINUANCE OF BILATERAL
TREATIES WHERE NEWLY INDEPENDENT STATE AND OTHER PARTY
BY THEIR CONDUCT HAVE AGREED TO CONTINUANCE), ARTS. 23
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AND 24 WERE ADOPTED AND REFERRED TO DRAFTING COMMITTEE
WITH PROPOSAL FOR THEIR MERGER. MEEHAN

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Message Attributes

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Disposition Case Number: n/a
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